

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 27, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J. and C. Hon,
Deputy Clerk.

Each of the following:

B125257 Wah Sing Cheong Int'l v. Kuit
B131047 Juarez v. Alchalak
B134684 In re Candice P./D.C.F.S. v. Yvonne P.
B135164 Alejandro v. Puerto
B135714 D.C.F.S. v. Natividad S. & Edgar C.

Argument waived, cause submitted.

B130348 Mccabe
 v.
 Paul & Stuart et al.

Merits:

Argued by Phil Montoya for appellant and by Stuart Esner for respondents.
Cause submitted.

B128294 In re the Marriage of John and Vanita Spaulding
 Spaulding
 v.
 Spaulding

No appearances on behalf of either party. Cause submitted.

DIVISION ONE (Continued)

B133163 C.I.R. Plumbing, Inc.
 v.
 P.E. O'Hair and Co., et al.

Merits:
Argued by Joseph G. McCarty for appellant and by John A. Demarest for respondents. Cause submitted.

B131051 Garrison et al.
 v.
 Reliance Insurance Company

Merits:
Argued by Bruce N. Graham for appellants and by Kim W. West for respondent. Cause submitted.

B130352 De Vera
 v.
 Farmers Insurance Exchange

Merits:
Argued by Stephan Birgel for appellant and by Mark Schaeffer for respondent. Cause submitted.

B130037 Sarno et al.
 v.
 State Of California et al.

Merits:
Argued by Richard E. Eldred for appellants and by Jerry Smilowitz, deputy attorney general and Dana Aratani, deputy district attorney, for respondents.
Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B134833 Hagen
B136649 v.
 Board Of Education William S. Hart Unified School District

Merits:
Argued by John Steven West for appellant and by Brent J. North for
respondent. Cause submitted.

Ortega, J. returns to the bench.

Vogel (Miriam A.), J. leaves the bench.

B120264 George
 v.
 Nadel Partnership, Inc., et al.

Merits:
Argued by Alan J. Diamond for appellant and by Diana P. Scott for
respondents. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

B128026 Espinoza
 v.
 Unocal Corporation et al.

Merits:
Argued by Scott E. Schutzman for appellant and by Amy W. Lewis and
William A. Bogdan for respondents. Cause submitted.

B120947 People
 v.
 Friddle

Merits:
Argued by Geri Lynn Green for appellant and by Kenneth N. Sokoler,
deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B128854 People
 v.
 Gomez

Merits:

Argued by Geri Lynn Green for appellant and by William T. Harter, deputy attorney general, for respondent. Cause submitted.

B128797 Burgett
 v.
 Keenan & Associates

Merits:

Argued by Cynthia Goodman for appellant and by Dennis J. Walsh for respondent. Cause submitted.

B117956 Inglewood Unified School District
 v.
 Andrew L. Truesdale and Shirley Worrels

Merits:

Argued by Nancy Long Cole for respondent and by Shirley J. Worrels, appellant in propria persona. Appellant Andrew L. Truesdale, appears and waived oral argument. Cause submitted.

B127594 Encarnacion
 v.
 20th Century Insurance Company

Merits:

Argued by Ian Herzog for appellants and by Roy G. Weatherup for respondent. Cause submitted.

Spencer, P.J. leaves the bench.

DIVISION ONE (Continued)

B133230 Los Angeles County, D.C.F.S.
v.
Tracey S.

Merits:

Argued by Pamela Soncini, deputy county counsel, for respondent and by Andrea R. St. Julian for appellant. Cause submitted.

Spencer, P.J. returns to the bench.

Masterson, J. leaves the bench.

B128572 Diaz
v.
Blue Cross Of California et al.

Merits:

Argued by Jeffrey Isaac Ehrlich for appellants and by Mark B. Connely for respondents. Cause submitted.

Court adjourned at 11:44 A.M.

B131047 Juarez (Not for Publication)
v.
Alchalak

The order is affirmed. Juarez is entitled to her costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

April 27, 2000-Continued

DIVISION ONE (Continued)

B135164 Alejandro (Not for Publication)
v.
Puerto

The order is affirmed. Alejandre is entitled to her costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B128402 American Environmental
Testing Laboratory, Inc. (Not for Publication)
v.
Araghi

The order is affirmed. The AET Defendants are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B138963 Consuela D. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

April 27, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B138635 C.A. Terhune (Certified for Publication)
v.
S.C.L.A.
Rosenkrantz, r.p.i.
B132370 In re Robert Rosenkrantz on Habeas Corpus

The April 20, 1999, order is affirmed. The petition for a writ of mandate is granted in part and dismissed in part, as follows: The Board of Prison Terms is ordered to schedule and commence a new suitability hearing within 30 days of the date this opinion is filed, and to render a new determination in strict accordance with both the letter and the spirit of the views expressed in this opinion. Jurisdiction to enforce this order, and to make and enforce such other orders as are necessary in aid thereof, is in the superior court.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

April 27, 2000-Continued

DIVISION TWO

B130380 People v. Shipp (Not for Publication)

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B128946 People (Not for Publication)
v.
Kelley et al.

The order granting a new trial as to defendants Kelley & Furcron is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B124600 People (Not for Publication)
v.
Navasardian

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

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The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B133725 Wells (Not for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its order of May 25, 1999, denying petitioner's request for an in camera review of the Stuart House therapy records, and issue a new and different order granting the petition.

Nott, J.

I concur: Mallano, J. (Assigned)
I dissent: Boren, P.J. (Opinion)

B132631 Elena W. et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department of Children & Family

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Cooper, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B136704 Elena W. (Not for Publication)

v.

Superior Court, Los Angeles County

(L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is granted. The matter is remanded to the juvenile court. the court is directed to hold a disposition hearing within 15 days of the date of this opinion, without any further continuance. At that remanded hearing, the court is directed to vacate its order denying petitioner Elena W. reunification services and setting a section 366.26 hearing. The court is to then direct DCFS to provide petitioner with six months of reunification services, consisting of services deemed appropriate by the court at the remanded disposition hearing.

Cooper, J.

We concur: Boren, P.J.

Mallano, J. (Assigned)

DIVISION THREE

B130244 Barbara Beach-Courchesne et al. (Certified for Publication)

v.

City of Diamond Bar & Diamond Bar Redevelopment Agency

The judgment is reversed with directions to enter judgment invalidating the redevelopment plan. Plaintiffs to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.

Kitching, J.

B126185 Reynaldo Ramos

v.

Liberty Mutual Insurance Company

Due to the press of other court business and the complexity of the issues in this case the submission order of January 26, 2000, is ordered vacated. Cause resubmitted.

DIVISION THREE (Continued)

B128650 Christina Davis (Certified for Publication)
 v.
 Melody Marin

The judgment is reversed. Costs on appeal are awarded to Davis.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B126896 People (Certified for Partial Publication)
 v.
 Sergio Alfred Rodriguez

The judgment is modified by imposing a \$200 restitution fine pursuant to section 1202.45 and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Croskey, J.

I concur: Klein, P.J.
I dissent: Kitching, J. (Opinion)

DIVISION FOUR

B126614 People
 v.
 Hammond

Filed order denying petition for rehearing.

DIVISION FIVE

B130868 People (Not for Publication)
v.
Troy Villasenor

The judgment is modified to reflect the Penal Code section 1202.45 restitution fine discussed in the body of the opinion. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B135296 Edward Vasquez (Certified for Publication)
v.
Superior Court of the County of Los Angeles
Los Angeles County Fair Association.

The alternative writ is discharged. Respondent court is ordered to vacate its order granting the motion to compel arbitration and enter a new order denying the motion. Petitioner Vasquez is to recover his costs in this writ proceeding from real party in interest the Association.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B133091 Communities for a Better Environment (Not for Publication)

v.

City of Santa Fe Springs

Cenco Refining Company

The judgment denying the mandate petition of plaintiff, Communities for a Better Environment, is affirmed. Defendant, the City of Santa Fe Springs, and real party in interest, CENCO Refining Company, are to recover their costs on appeal from plaintiff, Communities for a Better Environment.

Turner, P.J.

We concur: Grignon, J.

Godoy Perez, J.

B130451 People (Not for Publication)

v.

Cion Peralta

The burglary-murder special circumstance is ordered stricken. The trial court is instructed to prepare an amended abstract of judgment showing the previously imposed restitution fine of \$1,000. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

B135029 People

v.

Raymond Reide

Filed order denying petition for rehearing.

April 27, 2000-Continued

DIVISION FIVE (Continued)

B127454 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Rosemarie P.
Hector P.

The orders of the trial court are affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B128056 Marshall Wade Lewis
v.
Doris Ann Lewis

Filed order vacating submission order of April 11, 2000. Pursuant to appellant's written request. This matter is set for oral argument on June 13, 2000.

DIVISION SIX

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The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

April 27, 2000-Continued

DIVISION SIX (Continued)

B131322 People (Not for Publication)
v.
Guglielmelli

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B128879 People (Not for Publication)
v.
Gonzalez, et al.

The judgments are affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.